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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,729	03/27/2001	Daniel Abeshouse	046700-5024	1345

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EXAMINER

OYEBISI, OJO O

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/818,729

Applicant(s)

ABESHOUSE ET AL.

Examiner

OJO O. OYEBISI

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-16, 18, 20, 22, 24-31, 33-40 rejected under 35 U.S.C. 103(a) as being unpatentable over Massey (U.S PAT: 5,384,563) in view of Harrington et al (Harrington hereinafter, U.S PAT: 6,161,099).

The office interprets disclosed processors below i.e., participant processor and auction processor to mean separate independent processors in separate networks, but in constant communication with each other and also since bid is a form of data, the office interprets it to be just that. Thus, all subsequent recitation of "participant processor", "auction processor" and bids in this context would be given their broadest interpretations.

Re claim 1: Massey discloses a computer-implemented method of time synchronization of a network comprising: determining a message travel time between a participant processor (i.e., processor A, see FIG.3, element 63) and an auction processor (i.e., processor B, see FIG.3, element 91) coupled to the participant processor via a communication network (see col. 4, lines 20-25); establishing a sponsor auction time (i.e., a third relative time, see abstract) at the auction processor; calculating a bidder auction time by adding the message

travel time to the auction processor time (i.e., time messages are received and actually processed, see col. 2, lines 18-19); causing a clock at the participant processor to be set to the bidder auction time (see, col.col.6, lines 15-20)(see abstract and also see col. 6, lines 10-67). Massey is silent on closing of a network auction and accepting a bid at the auction processor only if the bid was sent prior to a predetermined end of bidding time. Harrington, on the other hand, makes this disclosure (see col.10, lines 30-40, and also see col.13, #11). Thus, it would have been obvious to one of ordinary skill in the art to combine Massey and Harrington in order to accurately accept bids from the participants and to prevent the participants from altering their bid submission time unfairly.

Re claim 3: Massey further discloses the method as stated supra wherein the network includes at least two networked computers participating in the auction (see abstract).

Re claim 4, 22: Massey further discloses the method as stated supra wherein said determining a message travel time includes: sending an initiating message from the auction processor to the participant processor; receiving a return message at the auction processor from the participant processor; establishing a round-trip elapsed travel time equal to a difference between a time when the initiating message was sent and a time when the return message was received; and calculating the message travel time by halving the round-trip travel time (see summary of invention).

Re claim 5: Massey further discloses the method as stated supra wherein said

determining a message travel time includes: receiving a time stamped message at the auction processor from the participant processor; and calculating the message travel time by subtracting a time stamped on the received message from a current time at the auction processor (see col. 6, lines10-67 to col.7, lines1-5).

Re claim 6: Massey further discloses the method as stated supra further comprising sending an initiating message from the auction processor to the participant processor (see abstract).

Re claim 7: Massey does not explicitly disclose a method wherein permitting the participant processor to submit a bid to the auction processor includes permitting the participant processor to submit a bid only until a predetermined time passes at the auction processor. Harrington makes this disclosure (see col.10, lines 30-40). It would have been obvious to one of ordinary skill in the art to combine Massey with Harrington in order to make sure that auction processors are not accepting bids after the end of auction is reached.

Re claim 8: Massey does not explicitly disclose a method wherein permitting the participant processor to submit a bid to the auction processor includes permitting the participant processor to submit a bid only until a predetermined time passes at the participant processor. Harrington makes this disclosure (see col.10, lines 30-40). It would have been obvious to one of ordinary skill in the art to combine Massey with Harrington in order to make sure that participants are disabled from submitting bids after the end of auction is reached.

Re claim 9: Massey does not explicitly disclose a method wherein accepting a bid at the auction processor includes time stamping the bid at the participant processor, further comprising accepting the bid at the auction processor only if the time stamped is a time prior to the closing time. Harrington makes this disclosure (see col.10, lines 30-40). Thus, it would have been obvious to one of ordinary skill in the art to combine Massey and Harrington in order to accurately accept bids from the participants and to prevent the participants from altering their bid submission time unfairly.

Re claim10: Massey discloses the method wherein accepting a bid at the auction processor includes: ordering messages sent by the participant processor (i.e., message sent are identified using a sequential number, see col. 6, lines 35-45), wherein the messages include bid messages (i.e., first message) and end of bidding messages (i.e., second message)(see abstract); sending an ordered end of bidding message from the participant processor to the auction processor.

Massey does not explicitly disclose not accepting a bid included in a bid message at the auction processor that is ordered subsequent to the end of bidding message. Harrington makes this disclosure (see col.10, lines 30-40, and also see col.13, #11). Thus, it would have been obvious to one of ordinary skill in the art to combine Massey and Harrington in order to make sure that participants are disabled from submitting bids after the end of auction is reached.

Re claim 11: Massey does not explicitly disclose a method further comprising sending an end bidding instruction from the auction processor to the participant

processor, wherein said ordered end of bidding message is sent in response to the end bidding instruction. Harrington makes this disclosure (i.e., last update, see col.10, lines 27-40). Thus, it would have been obvious to one of ordinary skill in the art to combine Massey and Harrington so that the user can keep track of how much time remains before the auction ends.

Re claim 12: Massey does not explicitly disclose a method wherein said ordering includes numbering messages such that each message includes a number that is higher than a previous message. Harrington makes this disclosure (i.e., "last update" is updated to the current time. Note, current time is always higher than the time before). Thus, it would have been obvious to one of ordinary skill in the art to combine Massey and Harrington so that the user can keep track of how much time remains before the auction ends.

Re claim 13: Massey does not explicitly disclose the method wherein accepting a bid at the auction processor includes: ordering messages sent by the participant processor, wherein said messages include a bid message and an end of bidding message; receiving an end of bidding message from the participant processor at the auction processor; and not accepting a bid at the auction processor after receiving the end of bidding message. Harrington makes this disclosure (see col.10, lines 30-40, and also see col.13, #11). Thus, it would have been obvious to one of ordinary skill in the art to combine Massey and Harrington in order to make sure that participants are disabled from submitting bids after the end of auction is reached.

Re claim 14: Massey does not explicitly disclose the method wherein accepting a bid at the auction processor includes: ordering messages sent by the participant processor, wherein said messages include a bid message and an end of bidding message; sending a end of bidding message from the auction processor to the participant processor at a time; waiting a predetermined period of time from the time the end of bidding message was sent; and not accepting a bid at the auction processor after the predetermined period of time has elapsed. Harrington makes this disclosure (i.e., brief interval, for example, at one second interval. See col. 10, lines 39-41, see col.10, lines 30-40, and also see col.13, #11). Thus, it would have been obvious to one of ordinary skill in the art to combine Massey and Harrington in order to make sure that participants are disabled from submitting bids after the end of auction is reached.

Re claim 15: Massey does not explicitly disclose the method further comprising updating the participant processor clock to the bidder auction time at intervals. Harrington makes this disclosure (see col.13, #11, col.10, lines 39-41). Thus, it would have been obvious to one of ordinary skill in the art to combine Massey and Harrington so that the user/participant can keep track of how much time remains before the auction ends.

Re claim 16: Massey does not explicitly disclose the method wherein said intervals are regular. Harrington make this disclosure (see col.10, lines 35-41). Thus, it would have been obvious to one of ordinary skill in the art to combine Massey and Harrington so that the user/participant can keep track of how much

time remains before the auction ends.

Re claim 18: Massey does not explicitly disclose the method wherein at least two participant processors participating in the auction further comprising ending bidding in the auction after receiving confirmation that each participant processor clock has reached the end of bidding time. Harrington makes this disclosure (see col.13, #11, col.10, lines 39-41). Thus, it would have been obvious to one of ordinary skill in the art to combine Massey and Harrington in order to make sure that participants are disabled from submitting bids after the end of auction is reached.

Re claim 20: Massey does not explicitly disclose the method wherein at least a first participant processor and a second participant processor are participating in the auction, further comprising accepting a bid from the first participant processor after the second participant processor has reached the end of bidding time.

Harrington discloses the method wherein at least a first participant processor and a second participant processor are participating in the auction (see fig. 1) except for accepting a bid from the first participant processor after the second participant processor has reached the end of bidding time. However, the office asserts that if it's in the predetermined bid parameters to end the auction after each participant processor signifies end of bidding time. Thus, it's obvious that bids would still be accepted from a second participant processor or any other participant processor for that matter even though the end of bidding has been signified by a first participant processor.

Re claim 24: Massey does not explicitly disclose the method wherein the auction is a forward auction. Harrington makes this disclosure (see col. 6, lines 10-15, municipal bond auctions, "issuer offers its bonds to purchasers" i.e., forward auction). Thus, it would have been obvious to one of ordinary skill in the art to combine Massey and Harrington to allow multiple buyers to bid on a product offered for sale by a seller.

Re claim 25: claim 25 contains the limitation recited in claim 1, and is thus rejected using the same rationale in the rejection of claim 1.

Re claim 26: claim 26 contains the limitation recited in claim 1, and is thus rejected using the same rationale in the rejection of claim 1.

Re claim 27: Massey further discloses the method as stated supra further comprising synchronizing a first bidder auction time at the participant processor time clock with an auction time at the auction processor (see col. 1, lines 40-55, also see col. 6, lines 10-66).

Re claim 28: Massey discloses a computer-implemented method comprising : synchronizing a time clock at a participant processor with a time clock at an auction processor coupled to the participant processor via a communications network (see abstract, also see col. 6 lines 5-66); Massey is silent on accepting a bid sent from the participant processor to the auction processor only until a predetermined end of bidding time occurs according to a time clock at the auction processor. Harrington, on the other hand, makes this disclosure (see col. 10, lines 30-40, and also see col. 13, #11). Thus, it would have been obvious

to one of ordinary skill in the art to combine Massey and Harrington in order to accurately accept bids from the participants and to prevent the participants from altering their bid submission time unfairly.

Re claim 29: Massey does not explicitly disclose the method wherein the auction processor sends a message to the participant processor when the end of bidding time occurs at the auction processor time clock. However, Harrington makes this disclosure (see col.10, lines 30-40, and also see col.13, #11). Thus, it would have been obvious to one of ordinary skill in the art to combine Massey and Harrington in order to make sure that participants are notified of the end of bidding time.

Re claim 30: Neither Massey nor Harrington discloses the method wherein the participant processor sends a message to the auction processor acknowledging that the end of bidding time has occurred. However, acknowledgement is a standard feature in data communication system, thus any system that uses transmission control protocol (TCP/IP) is capable of sending an acknowledgement message. Thus, since Massey and Harrington are TCP/IP compliant, it would have been obvious to one of ordinary skill in the art to combine Massey and Harrington to provide means through which participants can reply the auctioneer about their end of bidding time.

Re claim 31: Massey does not explicitly disclose the method wherein the participant processor may be utilized to send a bid to the auction processor until the end of bidding time occurs at the participant processor. Harrington makes this

disclosure (i.e., the user (participant) clicks the submit bid button provided time remains before the auction ends, see col.9, lines 32-35). Thus, it would have been obvious to one of ordinary skill in the art to combine Massey and Harrington in order to allow participants to submit bids prior to the end of bidding time.

Re claim 33: Massey does not explicitly disclose the method wherein the auction processor transitions to a closed state after the end of bidding time occurs.

Harrington makes this disclosure (see fig.6, start time, end time, and auction status menu). Thus, it would have been obvious to one of ordinary skill in the art to combine Massey and Harrington in order to make sure that participants are disabled from submitting bids after the end of auction is reached.

Re claim 34: Massey discloses a computer-implement method, comprising:

Ordering a message sent (i.e., message sent are identified using a sequential number) by a participant processor (see col. 6, lines 35-45); receiving an end of bidding message (i.e., a second message) from the participant processor at an auction processor coupled to the participant processor via a communication network; and accepting a bid at the auction processor placed by the participant processor (see abstract, also see col. 4, lines 20-25). Massey does not disclose accepting a bid at the auction processor only if a message containing the bid is ordered prior to the end of bidding message. Harrington, on the other hand, makes this disclosure (see col.10, lines 30-40, and also see col.13, #11). Thus, it would have been obvious to one of ordinary skill in the art to combine Massey and Harrington in order to accurately accept bids from the participants and to

prevent the participants from altering their bid submission time unfairly.

Re claim 35: Massey further discloses the method as stated supra wherein ordering messages includes ordering messages chronologically (i.e., the message number is a sequential number which identifies the number of messages which have been transmitted, see col.6, lines 35-45).

Re claim 36: Massey discloses the method further comprising sending a message from the auction processor to the participant processor except for requesting that the participant processor return the end of bidding message to the auction processor. Since the end of bidding message is a form of data, thus if Massey system is instructed to request the participant processor return the end of bidding message (i.e., data), Massey's system is intelligent enough to carry out this task

Re claim 37: Massey discloses a system for synchronizing a closing of a network auction, comprising: an auction processor attached to a network; and a participant processor coupled to the said action processor via said network; wherein said auction processor contains instructions which, when executed by said processor, cause said processor to: determine a message travel time between said participant processor and said auction processor; calculate a bidder auction time by adding the message travel time to the auction processor time; send a participant processor clock setting to said participant processor (i.e., independent timing systems, see col.1, lines 50-55); and accept a bid from said participant processor (see background and summary of the invention). Massey

does not explicitly disclose establish a sponsor auction time and accepting a bid from the said participant processor only if the bid is sent prior to a predetermined end of bidding time. Harrington, on the other hand, makes this disclosure (see col.10, lines 30-40). Thus, it would have been obvious to one of ordinary skill in the art to combine Massey and Harrington in order to accurately accept bids from the participants and to prevent the participants from altering their bid submission time unfairly.

Re claim 38: Massey does not explicitly disclose the system wherein said auction processor and said participant processor communicate through an auction coordinator. Harrington makes this disclosure (i.e., auction administrator, see col.12, lines 6-30). Thus, it would have been obvious to one of ordinary skill in the art to combine Massey and Harrington to monitor the bidding activities of the participants and to respond and resolve participants technical problems while bidding.

Re claim 39: Massey does not explicitly disclose the system wherein said auction processor and said participant processor communicate through the Internet. Harrington makes this disclosure (see abstract). Thus, it would have been obvious to one of ordinary skill in the art to combine Massey and Harrington in order to give access to remote participants.

Re claim 40: Massey discloses a clock (i.e., independent timing system); and a processor coupled to the clock (see col.1, lines 40-60). Massey does not disclose a bidding device operated by a bidder during an online auction and coupled to an

auction processor via a network, comprising: the processor having instructions that, when executed by the processor set said clock to a bidder auction time. Harrington makes this disclosure (see abstract, also see col.13, #11). Thus, it would have been obvious to one of ordinary skill in the art to combine Massey and Harrington in order to accurately accept bids from the participants and to prevent the participants from altering their bid submission time unfairly.

3. Claims 17, 19, 21, 23 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massey in view of Harrington as applied to claim 1,18, 20, 28 above, and further in view of Alaia et al (Alaia hereinafter, U.S PAT: 6,499,018).
Re claim 17: Neither Massey nor Harrington explicitly discloses the method wherein the bid is received at the auction processor after the end of bidding time. However, Alaia makes this disclosure (see col. 16, lines 55-67 to col.17, lines 1-30). Thus, it would have been obvious to one of ordinary skill in the art to incorporate Alaia in the combination of Massey and Harrington to limit the time after end of bidding time passes at the auction processor that a bid may be accepted, and reopening an auction when a late bid is received.
Re claim 19: Neither Massey nor Harrington explicitly discloses the method further comprising placing the auction in a pending state and subsequently closing the auction. Alaia makes this disclosure (see col. 16, lines 55-67 to col.17, lines 1-30). Thus, it would have been obvious to one of ordinary skill in the art to incorporate Alaia in the combination of Massey and Harrington to allow

a time period for the bidders who have missed an opportunity to bid because of a technical fault or other reasons to alert the coordinator to the fault.

Re claim 21. Neither Massey nor Harrington explicitly discloses the method further comprising reopening the auction after accepting the bid from the first participant processor. Alaia makes this disclosure (see col. 16, lines 55-67 to col.17, lines 1-30). Thus, it would have been obvious to one of ordinary skill in the art to incorporate Alaia in the combination of Massey and Harrington to allow further bidding after the auction coordinator has determined that some bidders have missed opportunity to bid due to a technical fault.

Re claim 23. Neither Massey nor Harrington explicitly discloses the method wherein the auction is a reverse auction. Alaia makes this disclosure (see col.2, lines 20-50). Thus, it would have been obvious to one of ordinary skill in the art to incorporate Alaia in the combination of Massey and Harrington to allow multiple sellers to bid on a product offered for sale by a buyer.

Re claim 32: Neither Massey nor Harrington explicitly discloses the method wherein the auction processor transitions to a pending state after the end of bidding time occurs. Alaia makes this disclosure (see col. 16, lines 55-67 to col.17, lines 1-30). Thus, it would have been obvious to one of ordinary skill in the art to incorporate Alaia in the combination of Massey and Harrington to allow a time period for the bidders who have missed an opportunity to bid because of a technical fault or other reasons to alert the coordinator to the fault.

Response to Arguments

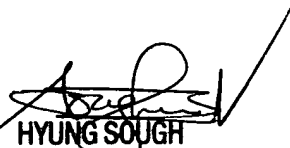
4. Applicant's arguments with respect to claims 1, 3-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HYUNG S. SOUGH can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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